

REMARKS

I. Introduction

In response to the pending Office Action, Applicant has amended the pending independent claims so as to further clarify the intended subject matter of the present disclosure, and further distinguish the recited subject matter over the cited prior art reference. No new matter has been added.

For at least the reasons set forth below, Applicant respectfully submits that the pending claims are clearly not anticipated by the cited prior art reference.

II. Prior Art Rejections

Claims 1-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by USP No. 6,018,768 to Ullman. For at least the following reasons, it is clear that Ullman does not anticipate the pending claims.

As noted in Applicant's previous response, the present disclosure relates to a method and a system for allowing the presentation of web content associated with a channel currently displayed on a first display device (*e.g.*, a television) to be presented on an auxiliary device. In accordance with the present disclosure and the amended claims, data associated with the ***currently tuned channel number*** is provided to the auxiliary display by a set-top box (STB). ***Utilizing the current tuned channel number provided by the STB, the auxiliary display device determines a particular uniform resource locator (URL) associated with the current tuned channel number; and displays the web content associated with the URL associated with the current tuned channel on the display of the auxiliary display device.***

Thus, in accordance with each of the pending independent claims, the STB provides the current tuned channel number to the auxiliary device, and then the auxiliary device, utilizing the current tuned channel number provided by the STB, determines a URL associated with the current tuned channel number and displays the associated web page on the auxiliary device.

Turning to the cited prior art and the pending rejection, in the current rejection, it was asserted that the time and name of the program, which are provided to the auxiliary device in Ullman, satisfied the recitation concerning “channel information”. In order to address this issue, Applicant has amended the independent claims to expressly recite that the “currently tuned channel number” is provided to the auxiliary device by the set-top box. Nowhere does Ullman disclose or suggest providing the “currently tuned channel number” to an auxiliary device. Thus, Ullman fails to disclose this element of the amended claims.

Furthermore, it is asserted that Ullman discloses an auxiliary display device that determines a particular uniform resource locator (URL) associated with the current tuned channel information utilizing the current tuned channel information provided by the STB. Specifically, as the URL information itself was considered to be “channel information”, it was concluded that the local computer 16 of Ullman determined the URL based on channel information. Regardless of the definition of channel information, Ullman does not disclose a device which determines the URL based on channel information. As is made clear in Ullman and Applicant’s previous response, in each of the embodiments of Ullman, the local computer 16 receives the URL directly from a source and does not disclose determining anything based on the received channel information. There is simply no technical basis or reasoning to conclude that when information is directly provided to the local computer that the local computer “determined” this information. Indeed, the claim language expressly recites that the auxiliary display device *determines* a

particular uniform resource locator (URL) associated with the current tuned channel information *utilizing* the current tuned channel number provided by the STB. There is simply no “determination” of any type performed by Ullman with respect to the URL, as the URL is directly provided to the local computer.

Notwithstanding the foregoing, Applicant has amended the claim language to recite that the auxiliary display device determines a particular uniform resource locator (URL) associated with the current tuned channel number utilizing the current tuned channel number provided by the STB. As Ullman does not disclose or suggest providing the “currently tuned channel number” to an auxiliary device, it is clear that Ullman fails to disclose or suggest this element of the pending independent claims,

It is once again noted that Ullman discloses a device which practices the precise method the present disclosure intends to avoid, i.e., putting the website information (e.g., URL address) directly into the video signal associated with the program provided to the television. Specifically, Ullman discloses that the given system requires that the “[w]eb pages be sent in the vertical blanking interval (VBI) of the video signal” (*see*, Ullman, col. 3, lines 7-11). Thus, the auxiliary device receives the URL directly from a source and does not disclose determining anything based on current tuned channel number.

Furthermore, with regard to col. 3, lines 44-59 and col. 6, lines 44-48 of Ullman which discusses an alternative embodiment of Ullman in which the URLs are transmitted to users at a predetermined schedule which corresponds to the predetermined broadcasts. In this embodiment, the broadcaster will send out URLs to the users at predetermined times (e.g., daily, weekly, monthly, yearly) which correspond to the time the programs provided by the broadcaster are made available to the user. As noted by Ullman, a Link file is provided to the user via the

Internet and the file contains the **time codes, URL addresses and titles** of the various programs for each Webpage the broadcaster wishes to associate with a given program. So once again, the auxiliary device receives the URL directly from a source and does not disclose determining anything based on the received current tuned channel number.

Accordingly, as is well known, anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, *IPXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3d 1377, 1380 (Fed. Cir. June 2006). As Ullman fails to disclose or suggest at least the foregoing elements, it is clear that Ullman does not anticipate any of the pending independent claims

III. Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claims 1, 7, 14 and 21 are patentable for at least the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable.

IV. Summary

Applicant submits that all of the claims are now in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account No. 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:rp
Facsimile: 202.756.8087
Date: October 15, 2009

WDC99 1781859-1.034764.0307